

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CCO-00 CIAE-00 OTPE-00 EB-07 FCC-01

INR-07 NSAE-00 OC-06 USIA-06 COME-00 BIB-01 L-03

PM-04 NSC-05 SP-02 SS-15 DODE-00 /070 W

----- 120835

R 130937Z JUL 76

FM USMISSION USBERLIN

TO AMEMBASSY BONN

INFO SECSTATE WASHDC 2790

AMEMBASSY BERLIN UNN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

USMISSION NATO

C O N F I D E N T I A L SECTION 1 OF 2 USBERLIN 1444

E O 11652: GDS

TAGS: PGOV, PFOR, WB

SUBJ: FRG-GDR POST AND TELECOMMUNICION AGREEMENT

REFS: A) USBERLIN 2456; B) USBERLIN 124; C) USBERLIN A-43

D) USBERLIN A-69

1. SUMMARY: IN AN APPARENT EFFORT TO DENIGRATE THE
VALUE OF THE BERLIN CLAUSE OBTAINED BY THE FRG IN THE
RECENT FRG-GDR POSTAL AND TELECOMMUNICATIONS AGREEMENT
AND TO FURTHER ITS EFFORT TO CONSTRUCT THE APPEARANCE
OF A SUBSTANTIAL CORPUS OF SEPRATE GDR-SENAT AGREE-
MENTS INDICATIVE OF FORMAL INTERNATIONAL RELATIONS,
GDR MINISTRY OF POST AND TELECOMMUNICATIONS HAS SENT
LETTER TO SENAT SAYING THAT PROVISIONS OF AGREEMENT
WILL BE APPLIED TO BERLIN (WEST), EXCEPT FOR THOSE
AFFECTING SECURITY AND STATUS, AND CALLING ON SENAT TO
GUARANTEE TO FULFILL ITS OBLIGATIONS. TACTIC IS
SIMILAR TO THAT ADOPTED BY GDR IN CONNECTION WITH
HEALTH AGREEMENT IN DECEMBER 1975 AND TIR CONVENTION
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IN JANUARY 1976 AND IN CONNECTION WITH IPU NOTIFICATIONS

IN FEBRUARY 1976. SENAT DOES NOT INTEND TO ANSWER
GDR DIRECTLY AND HAS REFERRED LETTER TO BONN FOR POSSIBLE
ACTION. END SUMMARY.

2. FOLLOWING IS TEXT OF LETTER SENT JUNE 28 FROM GDR
MINISTRY SENATOR STOBBE, SENATOR
FOR FEDERAL AFFAIRS WHO IS ALSO RESPONSIBLE FOR POSTAL
MATTERS:

BEGIN TEXT: DEAR SENATOR:
AN AGREEMENT IN THE FIELD OF POSTAL AND TELECOMMUNICATIONS
AFFAIRS WAS SIGNED ON MARCH 30, 1976 IN BONN BETWEEN
THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC AND
THE GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY.
THREE CONSTITUENT ADMINISTRATIVE AGREEMENTS ON POSTAL
TRAFFIC, TELECOMMUNICATION TRAFFIC AND THE CALCULATION
OF SERVICES IN POSTAL AND TELECOMMUNICATION TRANSIT
WERE SIGNED BY THE MINISTRY OF POST AND TELECOMMUNICATIONS
OF THE GERMAN DEMOCRATIC REPUBLIC AND THE FEDERAL
MINISTER FOR POST AND TELECOMMUNICATIONS OF THE FRG.
THE GOVERNMENT OF THE GERMAN DEMOCRATIC REPUBLIC
AGREED WITH THE GOVERNMENT OF THE FEDERAL REPUBLIC
OF GERMANY IN ARTICLE 21 OF THE GOVERNMENTAL AGREEMENT
ON THE EXTENSION OF THAT AGREEMENT AS WELL AS THE
EXTENSION OF THE THREE CONSTITUENT ADMINISTRATION
AGREEMENTS TO BERLIN (WEST) IN ACCORDANCE WITH THE
FOUR POWER AGREEMENT OF SEPTEMBER 3, 1971 AND IN
AGREEMENT WITH THE ESTABLISHED PROCEDURES.
IN ACCORDANCE WITH THE DECLARATION MADE BY THE GDR
TO THE FRG ON NOVEMBER 30, 1975 AND CONSISTENT WITH THE
FOUR POWER AGREEMENT OF SEPTEMBER 3, 1971, AN EXTENSION
OF THOSE PROVISIONS OF THE NAMED AGREEMENTS WHICH
AFFECT MATTERS OF SECURITY AND STATUS DOES NOT OCCUR.
AGREEMENTS BETWEEN THE COMPETENT ORGANS OF THE GERMAN
DEMOCRATIC REPUBLIC AND THE COMPETENT OFFICIALS IN
BERLIN (WEST) REMAIN UNAFFECTED.
THE EXPECTATION IS EXPRESSED THAT THE SENAT GUARANTEES
THE OBSERVANCE OF THE RELEVANT PROVISIONS IN BERLIN
(WEST). END TEXT.

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3. SENAT HAS ADVISED US THAT IT SEES THIS LETTER
A GDR ATTEMPT TO NEUTRALIZE THE BERLIN CLAUSE IN THE
FRG-GDR AGREEMENT. KUNZE OF CHANCELLORY HAS TOLD
US THAT IT IS HIS IMPRESSION THAT FRG OBTAINED AN
INFORMAL UNDERSTAKING FROM GDR WHEN AGREEMENT WAS SIGNED
THAT THERE WOULD BE NO SEPARATE COMMUNICATION TO
SENAT. KUNZE SAID THAT SENAT WOULD NOT ANSWER LETTER
ITSELF BUT WOULD REFER IT TO BONN, AND IT IS POSSIBLE

FRG WILL RAISE IT WITH ALLIED EMBASSIES.

4. COMMENT: GDR PLOY IS AN INCREASINGLY FAMILIAR ONE.

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----- 120877

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INFO SECSTATE WASHDC 2791

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C O N F I D E N T I A L SECTION 2 OF 2 USBERLIN 1444

LETTER SENT TO SENAT DECEMBER 3, 1975 IN CONNECTION WITH ENTRANCE INFO FORCE OF FRG-GDR HEALTH AGREEMENT COMES PARTICULARLY IN MIND (REF A). THERE WAS SIMILAR COMMUNICATION TO SENAT WHEN GDR RATIFIED TIR AGREEMENT (REF B), AND WE NOTED IN REF C AN EARLIER GDR EFFORT TO MAINTAIN THAT, DESPITE BERLIN CLAUSE IN FRG-GDR AGREEMENT, GDR MAINTAINS SEPARATE RELATIONS WITH SENAT IN POST AND TELECOMMUNICATIONS FIELD. AS IN CASE OF HEALTH AGREEMENT, GDR LETTER REFERS BOTH TO FRG-GDR AGREEMENT AND TO "PROVISIONS" OF THAT AGREEMENT, WITH IMPLICATION THAT THERE IS SOME DISTINCTION THEREIN AND THAT AGREEMENT PER SE IS NOT EFFECTIVE IN CITY. LATEST GDR LETTER ADDS NEW WRINKLE WITH ASSERTION THAT CERTAIN PROVISIONS OF FRG-GDR AGREEMENT AFFECT SECURITY AND STATUS AND THAT THESE UNNAMED PROVISIONS DO NOT APPLY TO BERLIN. IMPLIED ASSERTION OF UNILATERAL RIGHT TO DECIDE WHAT DOES AND WHAT DOES NOT AFFECT

CITY'S SECURITY AND STATUS IS, OF COURSE, CONTRARY
TO "ESTABLISHED PROCEDURES" PURSUANT TO WHICH IT IS
FOR ALLIED KOMMANDATURA TO DETERMINE EXTENT TO WHICH
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SUCH CONSIDERATIONS LIMIT APPLICABILITY OF AN AGREEMENT
IN BERLIN. AK APPROVED EXTENSION OF POSTAL AND TELE-
COMMUNICATIONS AGREEMENT IN MARCH AND CONSIDERED IT WAS
NOT NECESSARY TO ISSUE NEW BK/L OR BK/O SINCE ALLIED
RESERVED RIGHTS AND RESPONSIBILITIES WERE SUFFICIENTLY
SAFEGUARDED IN EXISTING GENERAL ALLIED DOCUMENTS.
ALLEGED GDR DECLARATION LIMITING SCOPE OF EXTENSION
OF POSTAL AND TELECOMMUNICATIONS AGREEMENT IN AREAS OF
SECURITY AND STATUS WAS, INCIDENTIALLY, NOT INCLUDED
IN DOCUMENTATION SUBMITTED BY AK, AND WE ARE ASKING
SENAT FOR COPY OF DECLARATION.

5. WE ASSUME THAT FRG WILL WISH TO REPLY TO GDR
LETTER IN SOME FORM MAKING POINTS THAT LETTER TO SENAT
IS SUPERFLUOUS AND THAT EXTENSION OF AGREEMENT TO BERLIN
IS CONTROLLED SOLELY BY BERLIN CLAUSE IN AGREEMENT
NEGOTIATED BY FRG AND BY APPROPRIATE ACTION
IN ALLIED KOMMANDATURA. GEORGE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: AGREEMENTS, POSTAL SERVICE, TELECOMMUNICATION AGREEMENTS, INTERGOVERNMENTAL COOPERATION, NEGOTIATIONS
Control Number: n/a
Copy: SINGLE
Draft Date: 13 JUL 1976
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: KelleyW0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1976USBERL01444
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D760269-0273
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1976/newtext/t19760762/aaaacclt.tel
Line Count: 196
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 4
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 76 USBERLIN 2456, 76 USBERLIN 124, 76 USBERLIN A-43
Review Action: RELEASED, APPROVED
Review Authority: KelleyW0
Review Comment: n/a
Review Content Flags:
Review Date: 22 APR 2004
Review Event:
Review Exemptions: n/a
Review History: RELEASED <22 APR 2004 by CunninFX>; APPROVED <17 AUG 2004 by KelleyW0>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
04 MAY 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: FRG-GDR POST AND TELECOMMUNICATION AGREEMENT
TAGS: PGOV, PFOR, WB, GC
To: BONN
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 04 MAY 2006